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Attorneys for Plaintiff/Counterdefendant
METARA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

METARA, INC., a Delaware Corporation,
Plaintiff and Counterdefendant,
vs.
HOWARD M. KINGSTON, an individual,
Defendant and Counterclaimant.

Case No. C03 04594 HRL

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DEADLINE TO
FINALIZE SETTLEMENT
AGREEMENT**

Plaintiff and Counterdefendant Metara, Inc. and Defendant and Counterclaimant
Howard M. Kingston (collectively "the Parties"), by and through their respective counsel of
record, do hereby agree and stipulate as follows:

WHEREAS this Court's September 7, 2005 Order of Dismissal set October 7, 2005 as the
deadline for the Parties to finalize a settlement agreement;

WHEREAS the Parties appeared before this Court for a Status Conference on
October 7, 2005 and were granted a seven day extension, up to and including October 14, 2005, to
finalize a settlement agreement;

WHEREAS the Parties stipulated and were granted an additional seven day extension, up
to and including October 21, 2005, to finalize a settlement agreement; and

1 WHEREAS the Parties are still in the process of finalizing a settlement agreement.

2 THEREFORE, the Parties stipulate to a further seven day extension of the Order of
3 Dismissal, up to and including October 28, 2005, for the purpose of finalizing the settlement
4 agreement.

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6 DATED: October 21, 2005

MacPHERSON KWOK CHEN & HEID LLP

7
8 By /s/
Jennifer M. Lantz
9 Attorneys for Plaintiff and Counter-
10 Defendant METARA, INC.

11 DATED: October 21, 2005

HOLME ROBERTS & OWEN LLP

12
13 By /s/
Meryl L. Macklin,
14 Attorneys for Defendant and Counter-Claimant
HOWARD M. KINGSTON

15
16
17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 DATED: 10/25/05

By Jeremy Fogel /s/electronic signature authorized
United States District Court Judge